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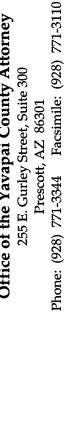
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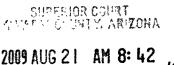
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BY: N. Seguin

## IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

v.

Plaintiff,

STEVEN CARROLL DEMOCKER,

Defendant.

CR 2008-1339

**Division 6** 

STATE'S MOTION AND ORDER FOR RELEASE OF VICTIM'S MEDICAL RECORDS

The State of Arizona, by and through Sheila Polk, Yavapai County Attorney, and her deputy undersigned, hereby requests this Court to order the release of any and all medical records of the victim, Virginia Carol Kennedy, date of birth, July, 25, 1954, from Yavapai Regional Medical Center (YRMC) for any and all procedures performed after Ms. Kennedy's death on July 2, 2008.

The victim's body was taken to YRMC for x-rays after she was found murdered in her home, the victim of blunt-force trauma. The State needs the victim's medical records to prosecute this matter. Based upon the Estate's refusal to assist the State in obtaining other records material to this case, the State looks to the Court to order the release of these critical documents.

## Office of the Yavapai County Attorney 255 E. Gurley Street, Suite 300

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771-3110

Facsimile:

771-3344

Phone: (928)

Accordingly, the State requests that this Court order the release of the victim's medical records pursuant to *Benton v. Superior Court*, 182 Ariz. 466, 897 P.2d 1352 (App. 1994). As noted by the Court of Appeals in *Benton*, "Nothing in the constitution or statutes indicates that a victim can impede a criminal prosecution by refusing to release medical records necessary for the prosecution of a defendant." 182 Ariz. at 468, 897 P.2d 1352 at 1354.

RESPECTFULLY SUBMITTED this 21 day of August, 2009.

Sheila Sullivan Polk YAVAPAI COUNTY ATTORNEY

By:

Deputy County Attorney

1	COPIES of the foregoing delivered this 215 <sup>†</sup> day of August, 2009 to:
2	
3	Honorable Thomas J. Lindberg Division 6
4	Yavapai County Superior Court (via email)
5	John Sears
6	107 North Cortez Street, Suite 104
7	Prescott, AZ 86301 Attorney for Defendant
8	(via email))
9	Larry Hammond
10	Anne Chapman Osborn Maledon, P.A.
11	2929 North Central Ave, 21 <sup>st</sup> Floor Phoenix, AZ
12	Attorney for Defendant (via email)
13	
14	Christopher Kottke 212 East Gurley Street
15	Prescott, AZ 86301 Attorney for the Estate of Carol Kennedy
16	(via fax)
17	By: Web Cowell
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